



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: T. Sauter

Attorney Docket No.: KTW011889

Application No.: 09/145,381

Group Art Unit: 3618

Filed: September 1, 1998

Examiner: H. Phan

Title: VIBRATION DAMPENING SKATE FRAME
RESPONSE

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TO THE COMMISSIONER FOR PATENTS:

Claims 1-21, 24-27, and 29-34 are pending in the application. In an Office Action mailed March 27, 2002, Claims 1, 6, and 14 were rejected under 35 U.S.C. § 102(e). Certain other dependent claims were rejected under 35 U.S.C. § 103(a). Claims 20, 21, 24-27, and 29-34 were allowed. Finally, Claims 10-13 and 16-19 were noted as containing allowable subject matter. Applicant thanks the Examiner for the notice of claims containing allowable subject matter and allowed claims.

In view of the remarks that follow, applicant respectfully requests reconsideration and submits that all claims are now in condition for allowance.

Independent Claims 1 and 14, as well as dependent Claim 6, stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,720,488, issued to Foffano et al. The Office Action sets forth the position that Foffano et al. disclose a skate frame that includes "a flexible plastic (117), which is capable of vibration dampening integrally formed with the side walls of the first structural member for absorbing at least a portion of the vibrational energy transmitted from the surface to the shoe portion when the skate traverses the surface." Applicant respectfully disagrees.

First, Foffano et al. do not teach or suggest a skate frame that includes flexible vibration dampening means *integrally* formed with the side walls of the first structural member, as set forth in Claim 1. Foffano et al. also do not teach or suggest a skate frame that includes a vibration dampening member *integrally* formed with the side walls of the first and second structural member, as set forth in Claim 14. Instead, Foffano et al. expressly teach *away* from

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the embodiments set forth in Claims 1 and 14. In that regard, Foffano et al. expressly teach "an insert 117 which can be *removably* interpose between the frame 104 and the support 107". Column 4, lines 40-42 (emphasis added). Thus, Foffano et al. expressly teach away from a skate frame that includes *integral* vibration dampening means or vibration dampening member, as set forth in Claims 1 and 14, respectively.

Applicant further notes that Foffano et al. do not teach or suggest that the insert 117 is a "flexible plastic," as asserted by the Office Action. Foffano et al. is completely silent with respect to the type of material used to fabricate the insert 117. Thus, applicant respectfully submits that Foffano et al. fail to teach or suggest a skate frame that includes *flexible* vibration dampening means, as set forth in Claim 1. Further, Foffano et al. fail to teach or suggest a skate frame that includes a vibration dampening member, wherein the vibration dampening member is *flexible*, as set forth in Claim 14.

Applicant respectfully notes that there is absolutely no teaching or suggestion within Foffano et al. that the insert 117 absorbs at least a portion of vibrational energy transmitted from a surface to the shoe portion when the skate traverses a surface, as generally set forth in Claims 1 and 14. In fact, as expressly set forth in Foffano et al., the invention of this reference is to allow the user to "*customize* the skate according to the specific sport of hockey, slalom, or long distance speed skating, while maintaining an optimum transmission of effort from the foot to the wheels." Column 1, lines 60-65 (emphasis added). Applicant respectfully notes that Claim 1 of the present application recites a skate frame that includes flexible vibration dampening means integrally formed with the side walls for "absorbing at least a portion of vibrational energy transmitted from the surface to the shoe portion when the skate traverses the surface." Similarly, Claim 14 recites a skate frame that includes a vibration dampening member integrally formed with the side walls, wherein "the vibration dampening member is flexible, thereby absorbing at least a portion of the vibrational energy associated with traversing the surface." Thus, applicant respectfully submits that Foffano et al. fail to teach or suggest the embodiments set forth in Claims 1 and 14.

Finally, it is noted that there is absolutely no teaching or suggestion within Foffano et al. of either the need or desire of a skate frame that includes either vibration dampening means or a vibration dampening member that is (1) integrally formed with the side walls; (2) flexible; and/or

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(3) for absorbing at least a portion of the vibrational energy associated with traversing a surface, as set forth in Claims 1 or 14. Accordingly, applicant respectfully submits that Claims 1 and 14 are also non-obvious over the disclosure of Foffano et al.

Applicant respectfully submits that the dependent claims of the present application are allowable for at least the reasons discussed above. Additionally, the dependent claims have further limitations that distinguish over the references of record, whether taken individually or in hypothetical combination. Therefore, applicant respectfully submits that the dependent claims of the present application should also now be found allowable.

Allowable Subject Matter

Claims 20, 21, 24-27, and 29-34 were allowed. Claims 10-13, and 16-19 were objected to as being depended upon a rejected based claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant acknowledges with appreciation this notice of allowed and allowable subject matter.

CONCLUSION

In light of the foregoing remarks, applicant respectfully requests reconsideration and allowance of all claims. The Examiner is invited to telephone the undersigned attorney if there are any remaining issues.

Respectfully submitted,

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